

PRINCE•YEATES

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March 6, 2019

VIA U.S. MAIL and E-MAIL

Brett Tolman (btolman@rqn.com)

Z. Ryan Pahnke (rpahnke@rqn.com)

RAY QUINNEY & NEBEKER P.C

36 South State Street, Suite 1400

Salt Lake City, Utah 84111

Re: Elite IT Receivership: Missing hard drives

Dear Brett and Eric,

We have determined that two or three external hard drives (the “hard drives”) were removed from Mr. Martinos’s office on Thursday, February 28, 2019. The purpose of this letter is to demand their immediate return if they are in the possession of Mr. Martinos, or if he otherwise knows where they are.

The hard drives were observed by multiple people from the FTC on the morning of February 28. They were located in one of the drawers on the right side of Mr. Martinos’ workstation, in between his seating area and the refrigerator. The hard drives were not large—approximately the size of a paperback novel. They were noticed during the morning of February 28. The FTC’s IT personnel left them where they were, in the drawer, and planned on imaging them later. That afternoon, however, after all the Elite IT personnel had left, the hard drives were gone.

During the “immediate access” operation, Elite IT personnel were instructed not to remove any equipment, materials or other items from the office. Given the location of the hard drives, it presumed they were the property of Elite IT. Therefore, they are subject to the Receivership and must be immediately returned. *See* TRO, §§ XIV, XV, XVII, XVIII, and XXIII.

We do not know who removed the hard drives. It is reasonable to conclude that Mr. Martinos removed them; or if not, he may know who did or where they are. As stated above, we demand the immediate return of the hard drives. If Mr. Martinos does not have them, he should provide any information he has about where they are and who removed them.

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Any party who is in possession of the hard drives is instructed not to delete any material from them, damage them, or alter them in any way. If the hard drives are not returned, we will consider bringing the matter to the Court's attention.

Should you wish to discuss the contents of this letter, please do not hesitate to contact us at your earliest convenience. We appreciate your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Barton'.

Thomas R. Barton

Alex B. Leeman

PRINCE, YEATES & GELDZAHLER

cc: Amanda R. Grier
Elsie B. Kappler
Colleen B. Robbins
Sally McMinimee
Alex B. Leeman
Troy Parkinson

4851-8927-0153, v. 2

Alex B. Leeman

From: Brett Tolman <BTolman@rqn.com>
Sent: Wednesday, March 6, 2019 8:12 PM
To: Alex B. Leeman
Cc: Z. Ryan Pahnke; Eric Benson; Katherine Priest; Thomas R. Barton; Sally B. McMinimee; G. Troy Parkinson
Subject: Re: Letter re Missing Hard Drives

Tom

I've spoken to Jim. There was no nefarious intent. These drives have personal files and pictures so Jim grabbed these when told to grab his personal effects. We will have them returned tomorrow to you. As a practical matter, I believe you may have all the same data on the laptop and other computers of which you are in possession. Please let me know if you need anything else.

Brett

Brett L. Tolman | Ray Quinney & Nebeker P.C. | [36 South State Street, Suite 1400 | Salt Lake City, Utah 84111](#)
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On Mar 6, 2019, at 4:59 PM, Alex B. Leeman <aleeman@princeyeates.com> wrote:

Brett,

Please see attached.

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<Elite IT – Letter re Hard Drives.pdf>